

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MARTHA DAVIS, as assignee of "THE  
MOTELS," on behalf of herself and all others  
similarly situated,

Plaintiff,

vs.

EMI GROUP LIMITED; CAPITOL  
RECORDS, LLC; EMI MUSIC NORTH  
AMERICA, LLC; EMI RECORDED MUSIC;  
and EMI MARKETING,

Defendants.

CASE NO. CV 4:12-cv-01602-YGR

**ORDER GRANTING IN PART  
STIPULATION TO: (A) STAY  
DEFENDANT'S MOTION TO DISMISS  
SECOND AMENDED COMPLAINT [DKT.  
NO. 30] PENDING RULING ON  
PLAINTIFF'S MOTION TO DISQUALIFY  
DEFENDANT'S COUNSEL [DKT. NO. 29],  
AND (B) RE-SET HEARING ON  
PLAINTIFF'S MOTION TO DISQUALIFY**

The parties have submitted their stipulation (Dkt. No. 32) concerning the pending motion to disqualify counsel and motion to dismiss. The Court **GRANTS** the stipulation **IN PART** as follows:


1. Briefing on Defendant's Motion to Dismiss is suspended and the hearing currently set for September 25, 2012, is **VACATED** pending the Court's consideration and ruling on Plaintiff's Motion to Disqualify.

2. Once the Court has ruled on Plaintiff's Motion to Disqualify, Defendant's counsel (whether that be its current counsel or new counsel retained due to the motion being granted) shall re-notice the hearing on Defendant's Motion to Dismiss following the normal timelines for notice, opposition and reply as set forth in Local Rules 7-2 and 7-3.

3. The hearing on Plaintiff's Motion to Disqualify is **VACATED** and **RESET** for October 9, 2012, at 2:00 p.m. However, the opposition and reply shall be filed consistent with the original deadlines and hearing date.

**IT IS SO ORDERED.**

**Date: September 4, 2012**

  
YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT COURT JUDGE